

ORDINANCE NO. \_\_\_\_\_, SERIES 2007

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 152 OF  
THE LOUISVILLE METRO CODE OF ORDINANCES (LMCO)  
RELATING TO MOVING STRUCTURES.

**Sponsored By:** Councilmen Downard, Blackwell and Kramer

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE  
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS  
FOLLOWS:**

**SECTION I:** LMCO Chapter 152 relating to Moving Structures is hereby amended and  
re-enacted as follows:

**§ 152.01 DEFINITIONS.**

For the purpose of this ordinance, the following definitions shall apply unless the context  
clearly indicates or requires a different meaning.

***HABITABLE.*** Acceptable for human occupancy by substantial compliance with  
~~Louisville/Jefferson County Department of Health~~ Louisville Metro Public Health and Wellness  
Department and Kentucky Building Code regulations and all other applicable regulations and  
ordinances.

***OWNER.*** Any person, agent, firm, partnership or corporation having a legal or equitable  
interest in the property.

***PERMANENT SITE.*** That site at which a building will rest on a permanent foundation and  
be connected to necessary utilities and services.

***PERSON.*** Any and all persons, natural or artificial, including any individual, firm or  
unincorporated association, any municipal or quasi-municipal corporation or private corporation,  
any county and any other governmental agency and political subdivision of the Commonwealth  
or any subdivision or instrumentality of the United States of America.

***PREVIOUS SITE.*** That site at which said building rested on a permanent foundation and  
was connected to necessary utilities and services.

***REHABILITATED SITE.*** A site that has been restored to its original condition or as close  
thereto as possible by:

- (1) Removing foundation walls to a minimum of one foot below finish grade.

(2) Removing all rubbish, debris and/or other material subject to termite infestation, decay or corrosion.

(3) Filling with materials permitted by local zoning regulations to the original finish grade providing a smooth surface and smooth transition to existing adjacent grade without altering natural surface water drainage.

(4) Compacting fill material and, if necessary, refilling area after 180 days of settlement.

(5) Stabilizing areas subject to erosion by seeding or in the event slope is greater than 1:5 by sodding.

**STRUCTURE.** All buildings of any kind or nature whatsoever or part thereof used or occupied or intended for use or occupancy, for human habitation or commercial or industrial or storage purposes and includes any outbuildings and appurtenances belonging thereto or usually enjoyed therewith.

**TEMPORARY SITE.** That site used for storage or temporary placement of a building prior to relocation to its permanent site.

#### **§ 152.02 APPLICABILITY.**

(A) No person shall move a structure from one location to another in violation of these provisions.

(B) Any person who violates any provision of this ordinance shall be subject to the penalties provided in § 152.99.

#### **§ 152.03 PERMITS REQUIRED.**

Prior to the moving of any structure, a permit shall be obtained according to the following terms and conditions:

(A) *Permanent site moving permit.* When a structure is to be transported to its permanent site the owner of the structure must obtain a permanent site moving permit. In order to receive this permit the owner shall:

(1) Obtain a building permit. The following steps and/or approvals are required by the Metro Government prior to obtaining a building permit:

(a) *Zoning.* If the proposed structure and use thereof is clearly permitted in existing zoning, this approval may be obtained from the ~~Code Enforcement Office~~ Codes and Regulations Department. If a zoning change or clarification of permitted use is necessary, applicant must obtain approval from the Louisville/Jefferson County Metro Planning Commission.

(b) *Health Department.* If structure is to contain plumbing; review, approval and stamp of approval is required from the ~~Louisville/Jefferson County Department of Health~~ Louisville Metro Public Health and Wellness Department

(c) *Public works engineering.* Review, approval and stamp of approval is required for Water Management and Traffic Engineering from the Public Works and ~~Transportation and Assets~~ Department.

(d) *Plan review.* Review, approval and stamps of approval for the following are required from the ~~Code Enforcement Office~~ Codes and Regulations Department:

1. Exterior fire safety.
2. Sprinkler plan review.
3. Construction plans review.

4. Additional information including sinking fund account number, name of licensed electrical contractor and name of licensed mechanical contractor.

(2) Provide evidence by the submittal of a demolition/moving inventory that the previous site has been or will be rehabilitated and that all utilities have been properly disconnected in accordance with each relevant agency's approved procedures. Each utility company must sign the inventory prior to its submittal to the ~~Code Enforcement Office~~ Codes and Regulations Department.

(3) Acquire an encroachment permit if the transport route follows any roads that require a permit. If route taken does not require an encroachment permit then evidence of the issuance of a building permit as required in subsection (A)(1) must be shown in order to obtain a police escort.

(4) Provide proof of insurance as referenced in § 152.05(A).

(5) Remit a fee of \$100 to the ~~Code Enforcement Division~~ Codes and Regulations Department.

(B) *Temporary site moving permit.* When a structure is to be transferred to a temporary site the owner of the structure must obtain a temporary site moving permit. To receive this permit the owner shall:

(1) Provide evidence by the submittal of a demolition/moving inventory that the previous site has been or will be rehabilitated and that all utilities have been properly disconnected in accordance with each relevant agency's approved procedures. Each utility company must sign the inventory prior to its submittal to the ~~Code Enforcement Office~~ Codes and Regulations Department.

- (2) Obtain an encroachment permit as referenced in subsection (A)(3) of this ordinance.
- (3) Provide proof of insurance as referenced in § 152.05(A).
- (4) Remit a fee of \$200.

(C) Any structure which is moved without a permit shall be removed from its site immediately.

#### **§ 152.04 STORAGE.**

(A) *Temporary storage.* A structure may be stored only on a lot zoned C-1, C-2, C-3, C-4, M-1, M-2 or M-3 and may not violate setback or yard requirements specified for the applicable zoning district. The storage shall be for a maximum period of 90 days from the date of issuance of the temporary site moving permit. Written permission for the storage of the structure from the owner of record of said lot must be presented prior to the issuance of a temporary site moving permit.

(B) *Permanent site.* A structure located on its permanent site must be made habitable within six months from the date of issuance of the permanent moving permit.

#### **§ 152.05 MOVER RESPONSIBILITIES.**

(A) The person responsible for moving a structure shall submit with the moving permit application a certificate of liability insurance for an amount not less than \$500,000 insuring against any and all damage caused by said moving.

(B) The person responsible for moving a structure must post the moving permit in a conspicuous location on the structure to be moved before actual transport begins and keep it there throughout transport and/or storage.

#### **§ 152.06 ENFORCEMENT.**

The provisions of this ordinance will be enforced by the ~~Code Enforcement Office~~ Codes and Regulations Department. Traffic related matters will be enforced by the Louisville Metro Police Department or local police jurisdictions.

#### **§ 152.98 SEVERABILITY.**

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

#### **§ 152.99 PENALTY.**

Any person convicted in district court of violating the provisions of this ordinance shall be subject to a fine of not less than \$100, nor more than \$500 or imprisonment for a period not to exceed 50 days, or both such fine and imprisonment for the first day's offense. Each day such

violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. No additional notice other than the notice for the original offense shall be required to convict a person for violations resulting from continuations of each offense.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Rick Blackwell  
President of the Council

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Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_